

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PANKAJ PATEL, PINKIBEN PATEL

Plaintiffs,

v.

JANET NAPOLITANO, Secretary of the
Department of Homeland Security;
MICHAEL T. JAROMIN, District Director,
USCIS,

Defendant.

No. 4:09-CV-1448 CAS

ORDER OF DISMISSAL

On January 21, 2010, the Honorable Terry I. Adelman¹ ordered plaintiffs to show cause, within fourteen (14) days, why this case should not be dismissed for their failure to prosecute. The show cause order was precipitated because there was nothing in the record to indicate plaintiffs had obtained service on defendants. Plaintiffs did not respond to the order.

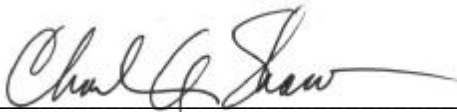
A district court has the power to dismiss an action if “the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order.” Smith v. Gold Dust Casino, 526 F.3d 402, 404 (8th Cir. 2008). See also Fed. R. Civ. P. 41(b); Skelton v. Henry, 390 F.3d 614, 619 (8th Cir. 2004). Such a dismissal may be taken on the court’s own motion and may be exercised under the court’s inherent power to control its docket. Id.; Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 (1962); Welsh v. Automatic Poultry Feeder Co., 439 F.2d 95, 96 (8th Cir. 1971). Here, plaintiffs ignored the show cause order, and from all appearances, it would seem they have abandoned prosecution of

¹On February 11, 2010, this cause of action was reassigned to the undersigned district judge because plaintiffs had not filed consent to proceed before a magistrate judge as required by 28 U.S.C. § 626.

this case. Therefore, the Court will dismiss plaintiffs' cause of action.

Accordingly,

IT IS HEREBY ORDERED that the above-captioned cause of action is **DISMISSED**,
without prejudice, for plaintiffs' failure to prosecute and to comply with a court order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of February, 2010.